PTO/SB/21 (02-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE uction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number & TRADEMAP 09/938,907 TRANSMITTAL Filing Date August 24, 2001 **FORM** First Named Inventor DAVIS, Brad Art Unit 2645 (to be used for all correspondence after initial filing) **Examiner Name** SING, S. Attorney Docket Number UTL 00011 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication Fee Transmittal Form Drawing(s) to Technology Center (TC) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC ✓ Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer **Extension of Time Request** Identify below): Return Receipt Postcard Request for Refund **Express Abandonment Request** CD. Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Jonathan T. Velasco, Esq. Reg. No.: 42,200 KYOGERA WIRELESS CORP. Individual name Signature Date 20:05 CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450.

Alexandria, VA 22313-14	50 on the date shown below.	,, , , , , , , , , , , , , , , , , , , ,
Typed or printed name	Lynn Morkunas	
Signature	Ly- Horlemas	Date OCT. 12, 200 5

This collection of information is required by 37 CFR 1.5 The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Attorney Docket No.: UTL 00011

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): DAVIS, Brad

Group Art Unit: 2645

App. No.: 09/938,907

Examiner: SING, Simon P

Filed: August 24, 2001

Conf.: 3331

Title: METHOD AND APPARATUS

FOR ASSIGNING DATA RATE

IN A MULTICHANNEL

COMMUNICATION SYSTEM

MAIL STOP AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

This communication is responsive to an *Office Action* mailed July 14, 2005. Timely response is made up to October 14, 2005. No fee is believed to be due. Applicant respectfully submits the following remarks for consideration by the Examiner.

Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class Mail on October 12, 2005 in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lynn Morkunas

Printed Name of Person Mailing Paper and/or Fee

Signature